

85th Legislative Session – 2010

Committee: House Judiciary

Friday, February 19, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
E Hoffman
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Hunt, Vice-Chair
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 17, 2010.

Moved by: Gibson
Second by: Engels
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1228 AND HB 1272 UNTIL MONDAY,
FEBRUARY 22, 2010.

HB 1229: adopt the Uniform Real Property Transfer on Death Act.

Presented by: Representative Thomas Deadrick

MOTION: TO TABLE HB 1229

Moved by: Feinstein

Second by: Gibson

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Hoffman

HB 1154: require written incident notice from law enforcement to a juvenile's school under certain circumstances.

Presented by: Representative Jim Bolin
Senator Jim Peterson

MOTION: DO PASS HB 1154

Moved by: Schlekeway

Second by: Hamiel

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1154 TO THE 41ST LEGISLATIVE DAY

Moved by: Gibson

Second by: Engels

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Killer, Moser, Turbiville, Hunt, Cutler

Voting No: Hamiel, Lust, Schlekeway

Excused: Hoffman

HB 1159: permit permanent residents of the United States to be employed or certified as law enforcement officers.

Presented by: Representative Dan Lederman

Proponents: Representative Jim Bolin

Jeremiah D. Murphy, Self, Sioux Falls
Jimmy Murphy, Self, Sioux City
Opponents: Bryan Gortmaker, DCI
Dan Mosteller, Department of Public Safety
Staci Eggert, SD Sheriff's Association

MOTION: DEFER HB 1159 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1159

Moved by: Engels
Second by: Killer
Action: Was not acted on.

MOTION: AMEND HB 1159

1159rb

On page 1, line 8, of the printed bill, after "citizen" insert "₁".

On page 1, line 9, after "States" insert "who is actively seeking United States citizenship.".

Moved by: Moser
Second by: Gosch
Action: Failed by voice vote.

MOTION: AMEND HB 1159

1159ra

On page 1, line 11, of the printed bill, after "₁." Insert "However, in the case of a permanent resident, the commission may require the applicant to provide a criminal background check from any foreign country in which the applicant resided while an adult.".

Moved by: Gosch
Action: Died for lack of a second.

THE MOTION TO DO PASS HB 1159

Moved by: Engels
Second by: Killer
Action: FAILED BY ROLL CALL VOTE. (5-7-1-0)

Voting Yes: Engels, Feinstein, Gosch, Killer, Moser

Voting No: Gibson, Hamiel, Lust, Schlekeway, Turbiville, Hunt, Cutler

Excused: Hoffman

THE MOTION TO DEFER HB 1159 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gibson
Action: PREVAILED BY ROLL CALL VOTE. (7-5-1-0)

Voting Yes: Gibson, Hamiel, Lust, Schlekeway, Turbiville, Hunt, Cutler

Voting No: Engels, Feinstein, Gosch, Killer, Moser

Excused: Hoffman

HB 1201: provide that certain tax laws applicable on December 31, 2009, apply to certain wills and trusts that refer to federal estate and generation-skipping transfer tax laws, and to declare an emergency.

Presented by: Representative David Lust
Proponents: Curt Everson, SD Bankers Association

MOTION: DO PASS HB 1201

Moved by: Hunt
Second by: Gibson
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Hoffman

MOTION: PLACE HB 1201 ON CONSENT CALENDAR

Moved by: Moser
Second by: Gibson
Action: Failed by voice vote.

HB 1250: provide that ordinances or amendments may not have a retrospective application.

Presented by: Representative Mike Verchio
Proponents: George Ferebee, Self, Hill City
Barb Lindberg, Self, Rapid City
Opponents: Dick Tieszen, SD Sheriffs Association

MOTION: DEFER HB 1250 TO THE 41ST LEGISLATIVE DAY

Moved by: Gibson
Second by: Feinstein
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Killer, Lust, Moser, Schlekeway, Turbiville, Hunt, Cutler

Excused: Hoffman

HB 1256: revise certain provisions regarding the enforcement of the requirement to wear a seat belt in a motor vehicle.

Opponents: Bob Pesall, Self, Baltic (Handouts: #1)
Leon Pesall, Self, Brookings
Jeffrey Petrie, Self, Sioux Falls

THE CHAIR DEFERRED HB 1256 UNTIL MONDAY, FEBRUARY 22, 2010.

HB 1254: permit the assignment of certain funeral benefits.

Presented by: Randy Moses, Division of Insurance
Proponents: Bob Miller, Funeral Director's Association

MOTION: AMEND HB 1254

1254sa

On page 1, line 9, of the printed bill, delete "An" and insert "A society shall honor an".

Moved by: Gosch
Second by: Feinstein
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1254 AS AMENDED

Moved by: Gosch
Second by: Moser
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Killer, Lust, Moser, Schlekeway,
Turbiville, Hunt, Cutler

Excused: Hoffman

MOTION: ADJOURN

Moved by: Hunt
Second by: Schlekeway
Action: Prevailed by voice vote.

Linda Daugaard
Committee Secretary

Joni M. Cutler, Chair